

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1157**September Term 2011****DHS-May28,2010Letter****Filed On:** February 15, 2012

Electronic Privacy Information Center, et al.,

Petitioners

v.

United States Department of Homeland
Security, et al.,

Respondents

BEFORE: Henderson and Tatel, Circuit Judges, and Ginsburg, Senior Circuit
Judge

ORDER

Upon consideration of motion of petitioners for attorneys' fees, the opposition thereto, and the reply, it is

ORDERED that the motion be denied. The TSA's position regarding the only issue on which EPIC prevailed - whether the agency improperly bypassed notice and comment in adopting the new screening technology - was substantially justified. See *EPIC v. DHS*, 653 F.3d 1, 7 (D.C. Cir. 2011).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk